

Caproni

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 11/21/2014

UPT POOL LTD.,

JUDGE CAPRONI

14 Civ. _____ ()

Plaintiff,

- against -

DYNAMIC OIL TRADING (SINGAPORE) PTE.
LTD, O.W. BUNKER USA INC., O.W. BUNKER
NORTH AMERICA INC., O.W. BUNKER
HOLDING NORTH AMERICA INC., HARLEY
MARINE SERVICES, INC., ING BANK N.V.

14 CV 9262

Defendants.

~~PROPOSED~~ ORDER

This matter comes before the Court on the Motion for Restraining Order pursuant to 28 U.S.C. § 2361 of the Federal Interpleader Act filed by Plaintiff UPT Pool Ltd. ("UPT Pool"). Upon consideration of the Motion for Restraining Order, the accompanying Memorandum of Law, and the documents filed in this action, and:

WHEREAS Plaintiff has established the procedural prerequisites of 28 U.S.C. § 1335 in that 1) the funds in the Plaintiff's custody exceeds \$500; 2) minimal diversity exists among the claimants; and 3) the Court has granted Plaintiff's motion to deposit the funds into the Court's registry; and

WHEREAS Plaintiff has demonstrated that a restraining order is justified to protect UPT Pool from multiple litigation against it and against its vessel M/V CAPE BEALE *in rem*; it is hereby

ORDERED that the claimants in this action are restrained and enjoined from instituting or prosecuting any proceeding in any state court, or in any United State District Court, affecting

the property and res involved in this action of interpleader, including but not limited to the arrest of the subject vessel M/V CAPE BEALE pursuant to Supplemental Admiralty Rule C to enforce claimants' maritime lien claims until the further order of the court; and it is further

ORDERED that Plaintiff shall serve a copy of this Order along with the Summons and Complaint in this action on each defendant; and it is further

ORDERED that if Plaintiff learns of any ^{o.w. Bunker} other claimant who intends to assert a claim related to the subject matter of this action, then Plaintiff will promptly serve a copy of this Order (and related papers) on such claimant who then will be bound thereby; and it is further

ORDERED that Plaintiff shall provide notice of this Order by email where possible and such notice shall be deemed good and sufficient; and it is further

~~ORDERED that upon service of this Order and the Summons and Complaint on any~~ claimant, any claimant may, upon proper motion, request that this Order be set aside.

SO ORDERED, this ^{21st} day of November, 2014.

5:30 pm
New York, NY


United State District Judge, S.D.N.Y.